

Hearing Date: Nov. 16, 2022 at 10:00 a.m.

Objection Date: Sept. 15, 2022

Reply Date: Oct. 17, 2022

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**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC
and the Chapter 7 Estate of Bernard L. Madoff,

Plaintiff,

v.

STANDARD CHARTERED FINANCIAL
SERVICES (LUXEMBOURG) S.A. (f/k/a
AMERICAN EXPRESS FINANCIAL
SERVICES (LUXEMBOURG) S.A. and f/k/a
AMERICAN EXPRESS BANK

Adv. Pro. No. 08-01789 (CGM)

SIPA Liquidation

(Substantively Consolidated)

Adv. Pro. No. 12-01565 (CGM)

**ORAL ARGUMENT
REQUESTED**

(LUXEMBOURG) S.A.), as represented by its Liquidator HANSPETER KRÄMER, HANSPETER KRÄMER, in his capacities as liquidator and representative of STANDARD CHARTERED FINANCIAL SERVICES (LUXEMBOURG) S.A., STANDARD CHARTERED BANK INTERNATIONAL (AMERICAS) LTD., f/k/a AMERICAN EXPRESS BANK INTERNATIONAL, and STANDARD CHARTERED HOLDINGS INC. (as successor in interest to STANDARD CHARTERED INTERNATIONAL (USA) LTD., f/k/a AMERICAN EXPRESS BANK LTD.),

Defendants.

**DECLARATION OF ANDREW J. FINN IN SUPPORT OF
STANDARD CHARTERED DEFENDANTS' MOTION TO DISMISS**

I, Andrew J. Finn, declare the following:

1. I am a member of Sullivan & Cromwell LLP, counsel for Defendants Standard Chartered Financial Services (Luxembourg) S.A., Standard Chartered Bank International (Americas) Ltd., Standard Chartered International (USA) Ltd., and Standard Chartered Holdings Inc. (collectively, the "Standard Chartered Defendants"), and I am admitted to practice before this Court. I submit this Declaration in support of the Standard Chartered Defendants' Motion to Dismiss, filed concurrently herewith.

2. Attached hereto as **Exhibit A** is a true and correct copy of the Amended Complaint, filed May 17, 2022 by Plaintiff Irving H. Picard, Trustee (the

“Trustee”) for the Liquidation of Bernard L. Madoff Investment Securities LLC, in the above-captioned adversary proceeding (ECF No. 147), with all exhibits thereto.

3. Attached hereto as **Exhibit B** is a true and correct copy of the Proposed Amended Complaint, filed October 14, 2020 by the Trustee, in the above-captioned adversary proceeding (ECF No. 120-1).

4. Attached hereto as **Exhibit C** is a true and correct copy of the original complaint, filed April 26, 2012 by the Trustee, in the above-captioned adversary proceeding (ECF No. 1), with all exhibits thereto.

5. Attached hereto as **Exhibit D** is a true and correct copy of a Novation Agreement between Fairfield Greenwich Limited and American Express Bank Ltd. and Standard Chartered Bank, dated July 14, 2008.

6. Attached hereto as **Exhibit E** is a true and correct copy of a Private Distribution Agreement between Fairfield Greenwich Limited and American Express Bank Ltd., dated September 7, 2006.

7. Attached hereto as **Exhibit F** is a true and correct copy of a Letter of Understanding between American Express Bank Ltd. and Fairfield Greenwich Limited, dated December 31, 2002.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 15, 2022 in New York, New York.

/s/ Andrew J. Finn
Andrew J. Finn